

IN THE MATTER of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER of an application for a special licence
pursuant to s. 137 by Bruce Bay
Community Hall inc in respect of
premises known as the Bruce Bay
Community Hall at State Highway 6,
Bruce Bay.

DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN UNCONTESTED APPLICATION

Authority:

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 (the Act) and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

Summary of Evidence

A special licence is sought for the purposes of providing an alcohol service at the Bruce Bay hall for the annual Bruce Bay sports Day and Ball to be held at the Bruce Bay Hall on Sunday 27 October from 10.00am to 5.00pm and from 8.00pm to 3.00am the next day.

A report from the Inspector concludes that the applicant is suitable to hold a special licence.

I note that the applicant has requested that Simon Montague, Carol Scott and Deborah McLaren be appointed Managers for the event

The Police have no objection to the application.

The Medical Officer of Health has no opposition in respect of this application but has raised the issue of the potability of available water.

Evaluation of Evidence

I have considered the application on the basis of the uncontested reports received and the complete file which has been made available to me. The application was not publicly notified. The matter can, therefore, be dealt with on the papers.

The application is well made and addresses those issues that are important in terms of the responsible sale and supply of alcohol. I imagine that a significant amount of experience has been built up over the many years of the Bruce Bay Sports Day and so I would expect the application to be specific.

The applicant is an incorporated society and is, accordingly, permitted to hold a special licence.

Of the three proposed managers only one, Deborah McLaren, has a Manager's certificate. I do not know Simon Montague but I am aware that Mesdames Scott and McLaren have previous experience at the Bruce Bar Sports Day and Ball and it seems to me that given that the event has not come to the attention of the various agencies for the wrong reasons in previous years then it would be appropriate to grant the licence with the stated Managers.

The Management of the day falls into two phases; the sports day and the ball with a break of 3 hours between them. My recollection is that the two phases was used last year, and I am satisfied that the concept is workable.

The Bruce Bay Sports Day has been an annual event since 1991 and I have no doubt that the organizers have gained insight into probably every eventuality.

The application asks for designations and the Inspector seems to find favour in the approach requested in the application.

The application does address the issue of the availability of water and notes that a special filter has been installed in the kitchen to assist with the availability of water. In addition, bottled water will be available at all times. I don't know what a special filter is but the Inspector seems to be sure that the filter is fit-for-purpose. I am satisfied that the Local Authority has enquired and is satisfied with the quality and availability of potable water. The Council is a Health Authority in its own right and has statutory duties concerning water supplies of all sorts. I do not have a high regard for the Medical Officer of Health using the Sale and Supply of Alcohol Act 2012 procedures to deal with issues that are rightly the domain of the Westland District Council.

Decision and Reasons

I am satisfied as to those matters provided for in s.142 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **156-2019** and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be:

The Licence may be exercised for the sale and supply of alcohol to any person lawfully attending the premises on Sunday 27 October, 2019 from 10.00am through to 5.00pm and from 8.00pm through to 3.00am the next day.

Pursuant to section 147 (3)(b) of the Act drinking water in the nature of bottled water shall be freely available to all customers at all times that the licence is being exercised.

Pursuant to s. 213(2) of the Sale and Supply of Alcohol Act 2012, the licensee is exempt from the duty to appoint a manager on the basis that the licensee and the people nominated by the licensee are demonstrably capable of managing the premises.

Pursuant to s. 213(1) of the Sale and Supply of Alcohol Act 2012, Simon Montague, Carol Scott and Deborah McLaren are appointed to be the managers responsible for the sale and supply of alcohol for the event.

Each of the following parts of the premises are designated as:

- (i) Supervised Area: Community Hall auditorium area.
- (ii) Restricted Area: Marquee.

Dated at Hokitika this 23rd day of October, 2019



Chairperson, Westland District Licensing Committee